

1 MARK R. THIERMAN (SBN 72913)
2 LEON GREENBERG (SBN 226253)
3 **THIERMAN LAW FIRM**
4 7287 Lakeside Drive
5 Reno, NV 89511
6 Telephone: 775-284-1500
7 Facsimile: 775-703-5027

8 CATHERINE A. CONWAY (SBN 98366)
9 GREGORY W. KNOPP (SBN 237615)
10 STEPHANIE S. DER (SBN 240576)
11 **AKIN GUMP STRAUSS HAUER & FELD LLP**
12 2029 Century Park East, Suite 2400
13 Los Angeles, California 90067-3012
14 Telephone: 310-229-1000
15 Facsimile: 310-229-1001
16 cconway@akingump.com
17 gknopp@akingump.com
18 sder@akingump.com

19 Attorneys for Defendant ERNST & YOUNG LLP

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN JOSE DIVISION

23 DAVID HO, JOHN MAXTON,
24 NATHAN LAY, and SARAH
25 FERNANDEZ on behalf of
26 themselves and others similarly
27 situated and on behalf of the general
28 public and DOES 1-20

Plaintiff,

v.

ERNST & YOUNG LLP

Defendant.

Case No. C 05-04867-JF (HRL)

Assigned to the Honorable Jeremy
Fogel for All Purposes

**STIPULATION AND [PROPOSED]
ORDER CONTINUING DEADLINE
FOR MOTION FOR
CERTIFICATION OF CLASS
ACTION**

1 **Additional Counsel**

2
3 H. TIM HOFFMAN (SBN 49131)
4 ARTHUR W. LAZEAR (SBN 83603)
5 MORGAN M. MACK (SBN 212659)
6 ROSS L. LIBENSON (SBN 181912)
7 **HOFFMAN & LAZEAR**
8 180 Grand Avenue, Suite 1550
9 Oakland, CA 94612
10 Telephone: 510-763-5700
11 Facsimile: 510-835-1311

12
13 **MAX FOLKENFLIK**
14 **FOLKENFLIK & MCGERITY**
15 1500 Broadway, 21st Floor
16 New York, NY 10036
17 Telephone: 212-757-0400
18 Facsimile: 212-757-2010

19 Attorneys for Plaintiff

1 WHEREAS the Court has set April 4, 2008 as the date for a hearing on Plaintiff's
2 proposed Motion for Class Certification in the above-captioned action, and has set
3 February 27, 2008 as the date for the cut-off of class certification discovery;

4 WHEREAS, class certification discovery has included numerous depositions of
5 Defendant under Rule 30(b)(6) of the Federal Rules of Civil Procedure that have
6 required the scheduling of various officials and employees of Defendant;

7 WHEREAS, Defendant has recently identified and agreed to produce additional
8 witnesses under Rule 30(b)(6);

9 WHEREAS, counsel for Defendant is preparing for a class action trial that will
10 begin on February 15, 2008 and last several weeks and is therefore unavailable to
11 defend these depositions before February 27, 2008; and

12 WHEREAS, the parties believe an extension is in their mutual interest because
13 this Court's decision on Defendant's pending Motion for Summary Judgment could
14 impact Plaintiff's class certification motion;

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1 IT IS HEREBY STIPULATED by and between the parties hereto through their
2 respective counsel that:

- 3 1. The hearing on Plaintiff's proposed motion for certification of the above-
4 captioned action as a class action shall be continued from April 4, 2008
5 until June 6, 2008; and
6 2. The date for conclusion of class certification discovery and the filing of the
7 Motion for Class Certification shall be continued from February 27, 2008
8 until April 28, 2008
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10 Respectfully submitted,

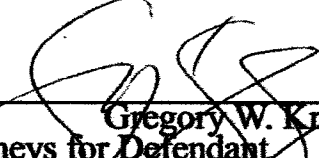
11 Dated: February 8, 2008

HOFFMAN & LAZEAR

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14 _____
15 Arthur W. Lazear
Attorneys for Plaintiffs

16 Dated: February 8, 2008

AKIN GUMP STRAUSS HAUER &
FELD LLP

18 
19 _____
20 Gregory W. Knopp
21 Attorneys for Defendant
ERNST & YOUNG, LLP

22 IT IS SO ORDERED.
23
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27 Dated: 2/12/08

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Hon. Jeremy Fogel, United States District Judge